

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY W RICHMOND,
Plaintiff,

v.

JULLIETT GARRETT *et al.*,
Defendants.

Case No. C06-5522FDB

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION AND
ALLOWING PLAINTIFF TO
PROCEED IFP

The Magistrate Judge recommended dismissal of this case as Plaintiff had not corrected the deficiencies listed in a September 14, 2006 letter from the Clerk's Office. Following issuance of the R&R, the Clerk's Office noted that the *in forma pauperis* deficiency was corrected. Accordingly, the Court will not adopt the R&R, and Plaintiff may proceed IFP.

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold and the remaining record, does hereby find and ORDER:

- (1) The Court declines to adopt the Report and Recommendation [Dkt. # 3], as the Plaintiff has corrected the *in forma pauperis* deficiency [Dkt. # 5];
- (2) The application to proceed *in forma pauperis* is **GRANTED**.

The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold.

DATED this 27th day of November 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE